

Effect of judge's decision, &c., and procedure under it.

New bond.

On failure to give bond, resident judge to appoint to fill vacancy.

Judgment of superior court judge final.

Substitute for section 716.

Commissioners to be elected by people.

When elected.

Three persons to constitute board.

Term of office.

Qualification.

Register of deeds to be clerk.

Additional commissioners.

When and by whom appointed.

Who to be appointed.

Qualification, &c.

office, or that he shall be retained in office, as the case may be; but if, upon the hearing of said appeal, the judge shall be of the opinion that the bond is insufficient, he shall give the appellant ten days in which to file before him an additional bond, and if the appellant shall, within the said ten days, file before the said judge a good and sufficient bond, in the opinion of said judge, he shall so declare and issue his order to said board directing and requiring them to induct the appellant into office, or retain him, as the case may be; but if, in the opinion of the said judge, both the original and the additional bonds are insufficient, he shall declare the said office vacant and notify the said commissioners, who shall notify the clerk of the superior court, who shall appoint to fill the vacancy, except in cases of the clerk of the superior court, which vacancy shall be filled by the resident judge. The judgment of the superior court judge shall be final. The appeal and the finding and judgment of the superior court judge shall be recorded on the minutes of the board of commissioners.

SEC. 4. That section seven hundred and sixteen (716) is repealed and the following substituted in lieu thereof, viz.: "There shall be elected in each county of the state, at the general election to be held in the year one thousand eight hundred and ninety-six (1896), and every two years thereafter, by the duly qualified electors thereof, three persons to be chosen from the body of the county, who shall be styled the board of commissioners for the county of, and shall hold their office for two years from date of their qualification and until their successors shall be elected and qualified; and they shall be qualified by taking the oath of office before the clerk of the superior court, or some judge or justice of the peace, and the register of deeds shall be, *ex officio*, clerk of the board of commissioners.

SEC. 5. That whenever as many as five electors of the county make affidavit before the clerk of the superior court, at any time after the election of the county commissioners, that they verily believe that the business of the county, if left entirely in the hands of the three commissioners elected by the people, will be improperly managed, that then upon petition of two hundred electors of said county, one-half of whom shall be freeholders, and so certified by the clerk of the superior court, made to the judge of the district, or judge presiding therein, it shall be the duty of said judge to appoint two honest and discreet citizens of said county, who shall be of a political party different from that of a majority of the board of commissioners, who shall, from their appointment and qualification, by taking the oath required for county commissioners, be members of said board of